

THE HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.40119 OF 2015

ORDER:

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Revenue and also the Assistant Government Pleader for Assignment.

The petitioner alleges that the 5th respondent has illegally occupied his assigned land to an extent of Acs.2.77 cents in Survey No.77/6 at Neelarevu village, H/o.Brahmsamedyam, Katrenikona Mandal, East Godavari District. The petitioner also complains inaction on the part of the 3rd respondent, as per the directions of the 2nd respondent in L.Dis.E3/608/2013, dated 06.02.2013.

The learned Assistant Government Pleader, however, received instructions from the Tahsildar, Katrenikona, vide letter, dated 26.12.2015, which show that already the petitioner was once restored the land by evicting the encroacher on 11.06.2008 and again after seven years, a complaint was made by the petitioner against the 5th respondent and in response thereto, the 5th respondent was stated to have been already issued Form-II Notice, dated 16.12.2015, which was also served on the 5th respondent on 20.12.2015 and the reply on that behalf is awaited. A copy of the notice is also produced along with the said instructions.

Though the allegation of inaction on the part of the 3rd respondent is not substantiated and since the 3rd respondent

has already issued appropriate proceedings, it is open to the 3rd respondent to take appropriate further action as against the 5th respondent.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel, the miscellaneous applications, if any, shall stand closed.

VILAS V. AFZULPURKAR, J

December 28, 2015.
KTL